

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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Andrew Devisme,

Case No. 21-cv-1195 (WMW/LIB)

Plaintiff,

**ORDER**

v.

City of Duluth et al.,

Defendants.

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This matter is before the Court, *sua sponte*, based on numerous telephone calls and emails received daily by the Court from Plaintiff Andrew Devisme for the past several weeks. The hundreds of improper *ex parte* communications<sup>1</sup> the Court has received from Devisme have ranged from incomprehensible to abusive and harassing, in both frequency and tone.<sup>2</sup> Based on Devisme's behavior, **IT IS HEREBY ORDERED:**

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<sup>1</sup> "A judge shall not initiate, permit, or consider *ex parte* communications, or consider other communications made to the judge outside the presence of the parties or their lawyers, concerning a pending or impending matter . . . ." ABA Model Code of Judicial Conduct Rule 2.9(A). And a "judge shall make reasonable efforts, including providing appropriate supervision, to ensure that this Rule is not violated by court staff, court officials, and others subject to the judge's direction and control." ABA Model Code of Judicial Conduct Rule 2.9(D).

<sup>2</sup> During business hours, Devisme typically calls the undersigned judge's chambers and the Clerk's Office up to a dozen or more times daily. In multiple instances, during non-business hours, Devisme has filled the Court's voicemail box to capacity, impeding the ability of other litigants or members of the public to contact the Court. Devisme's calls and voicemails often involve an angry tone and a raised voice, and end with Devisme hanging up.

1. Plaintiff Andrew Devisme shall not place any telephone calls or submit any email correspondence to the Court or the Clerk's Office.

2. All communication from Devisme to the Court must be submitted in writing, directed to the Clerk's Office, and sent by U.S. Mail to 316 North Robert Street, St. Paul, Minnesota 55101.

3. Devisme must request permission from the Clerk's Office to file anything further in the above-captioned case. Devisme's requests to file must be submitted in writing, directed to the Clerk's Office, and sent by U.S. Mail to 316 North Robert Street, St. Paul, Minnesota 55101.

4. If Devisme's written communications with the Clerk's Office become too frequent or tangential to the matters at issue, he may be subject to additional prohibitions.

5. If Devisme fails to comply with any provision of this Order, he may be subject to appropriate sanctions, including but not limited to a referral to the United States Marshals Service.

Dated: September 8, 2021

s/Wilhelmina M. Wright  
Wilhelmina M. Wright  
United States District Judge